

## REMARKS

### Rejection of the claims under 35 USC 112:

Claims 7 and 8 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended the claim 7 to make to dependent from claim 5.

### Rejection of the claims under 35 USC 112:

Claims 5, 12-14, 16 and 17 have been rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. Applicants have amended the claims to obviate the rejection. Specifically, Applicants have amended claims 1 and 12 to recite delivery to a cell in vitro, as supported in the specification.

### Rejection of the claims under 35 USC 102:

Claims 12, 13, 16, and 17 have been rejected under 35 U.S.C. 102(e) as being anticipated by Rozema et al. (US Patent Application Publication No. 2002/0052335). With this letter, Applicants file a declaration under 37 CFR 1.132 showing that the reference invention, U.S. Patent 6,093,701, is not by “another”.

Claims 12, 13, 16, and 17 have been rejected under 35 U.S.C. 102(e) as being anticipated by Trubetskoy et al. (US Patent No. 6,740,336) as evidenced by Rozema et al. (US Patent Application Publication No. 2002/0052335). Applicants file a declaration under 37 CFR 1.132 showing that the reference invention, U.S. Patent 6,093,701, is not by “another”.

### Rejection of the claims under 35 USC 103:

Claims 5 and 12-14, 16, and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tonge et al (US Patent 6,436,905) in view of Maeda et al (US Patent 4,732,933). Applicants have amended the claims to obviate the rejection. Specifically, Applicants have amended claims 5 and 12 to recite a process “consisting essentially of: ... .” Tonge et al. teaches only a lipid-containing composition and not a polynucleotide-polymer composition without lipid.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 5, 7, 8, 12-14 and 16-17 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: December 5, 2006.

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